



Office of the Attorney General

State of Texas

September 30, 1996

DAN MORALES
ATTORNEY GENERAL

Mr. T.K. Haynes
City Attorney
City of Paris
P.O. Box 9037
Paris, Texas 75461-9037

OR96-1804

Dear Mr. Haynes:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101399.

The Police Department of the City of Paris (the "city") received a request for all information in a certain case file. You raise sections 58.004 and 58.007 of the Family Code and section 552.023 of the Government Code. As the file contains the names of juvenile victims and juvenile witnesses of crime, you also express concern for the privacy rights of those juveniles. Additionally, you ask whether the fact that the requested information relates to another pending criminal investigation effects the required public disclosure of the information.

The file indicates that a juvenile committed the reported offense on July 11, 1995. The release of law enforcement records of offenses committed by a juvenile before January 1, 1996, is governed by former Family Code section 51.14(d),¹ which provides, in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.²


¹The Family Code was substantially amended by the Seventy-fourth Legislature including the repeal of section 51.14. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. However, the amendments to the Family Code apply only to conduct that occurs on or after January 1, 1996. *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. "Conduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose." *Id.*

²Act of May 22, 1993, 73d Leg., R.S., ch 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590.

In Open Records Decision No. 181 (1977) at 2, this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying former Fam. Code § 51.14(d) to "police blotter" and related information). You do not indicate that the information at issue here relates to charges for which the city transferred the juvenile under section 54.02 of the Family Code³ to a criminal court for prosecution, nor that article 15.27 of the Code of Criminal Procedure⁴ applies. Moreover, we do not understand any of the exceptions to former section 51.14(d) to apply here.⁵ Section 552.101 of the Government Code excepts from required public disclosure information made confidential by law, including information made confidential by statute. Accordingly, we conclude that the city must withhold the requested information from the requestor under Government Code section 552.101 as information deemed confidential by statutory law.⁶

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 101399

Enclosures: Submitted documents

³Act of May 25, 1973, 63d Leg., R.S., ch. 544, § 1, 1973 Tex. Gen. Laws 1460, 1476-77, *amended* by Act of May 19, 1975, 64th Leg., R.S., ch. 693, §§ 15-16, 1975 Tex. Gen. Laws 2152, 2156-57 (adding subsecs. (m), (j), (k)), *amended* by Act of May 8, 1987, 70th Leg., R.S., ch. 140, §§ 1-3, 1987 Tex. Gen. Laws 309 (amending subsecs. (a), (h), (j)).

⁴Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 1, 1993 Tex. Gen. Laws 1850-51.

⁵*See id.* § 3, 1993 Tex. Gen. Laws at 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2)).

⁶As we conclude that the city must withhold the information from the requestor based on section 552.101, we need not address your other concerns, except to inform you that this office has recently ruled that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. *See* Open Records Decision No. 644 (1996).

cc: Ms. Peggy Melton
125 Bybec Street
Paris, Texas 75462
(w/o enclosures)